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State officials suspend Louisville Judge Olu Stevens for 90 days without pay

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By Jason Riley CONNECT

LOUISVILLE, Ky. (WDRB) -- Jefferson Circuit Court Judge Olu Stevens has been suspended 90 days without pay and apologized for public comments he made about top prosecutor Tom Wine after Wine challenged the judge's decision to dismiss an all-white jury.

The state Judicial Conduct Commission had charged Stevens in April with numerous counts of judicial misconduct - including comments he made about Wine, claiming he wanted "all-white juries, complaints about defense attorneys and criticism of victims of a robbery who were in his court - and a trial-like hearing was planned for this week.

But before the hearing began Monday morning, both sides announced an agreement, with Stevens acknowledging he was "wrong."

"I recognize how serious it is to accuse someone, either expressly or implicitly, of racism," Stevens read from a prepared statement. "I do not believe Tom Wine is a racist. I apologize for any statements that implied as much."

Wine said in a statement Monday that he accepts Stevens' apology.

"I have had no personal animosity towards Judge Stevens and I have none now," Wine said. "I believe my energies and focus are better spent working for justice and fairness with our criminal justice partners and protecting victims of crime."

In addition, Wine said he and his staff will "continue to work for the fair administration of justice for all persons in Jefferson County, including diversity in our jury system."

The commission, which is the disciplinary arm of the judicial branch and had planned to call witnesses this week in a Jefferson County courtroom, took a brief recess to discuss the agreement before accepting it 6-0.

Stevens, who has been suspended with pay since April, could have been cleared, reprimanded, suspended or even removed from the bench.

Under the agreement, Stevens's suspension begins Monday and ends on Oct. 30. He declined to comment to a WDRB reporter after the hearing.

Other Jefferson Circuit Court judges have been handling Stevens' cases during his suspension.

On April 5, Stevens asked the commission to dismiss the charges against him, arguing the investigation and possible disciplinary actions were a violation of his First Amendment rights and he has a duty to discuss what he feels is the systemic exclusion of black citizens on juries.

The conduct commission also investigated Stevens for criticizing the victims of an armed robbery last year, saying they were "fostering" the views of their 5-year-old daughter, whom they said was still scared of black men after two African Americans had held the family at gunpoint.

"I wonder if the perpetrator had been white, would they be in fear of white men?" Stevens said during the Feb. 4, 2015 hearing. "The answer would probably be no. I'm offended by that."

On Monday, Stevens said he "took offense to those comments because I believe they perpetuated negative racial stereotypes. While I maintain that we should continue to speak against racial stereotyping or discrimination of any kind, I acknowledge that directing my frustration at the victims of the crime was not the appropriate method or venue to address the subject."

Most of the charges against Stevens involved his Facebook and other public comments about the jury makeup issue.

On Nov. 18, 2014, Stevens dismissed a jury panel because it did not represent a cross-section of the community. Wine filed a motion with the Kentucky Supreme Court asking if Stevens had the authority to dismiss a jury based on the lack of black members. The high court has heard arguments from both sides but has not yet ruled.

After WDRB posted an article on Oct. 20, 2015 -- when Stevens dismissed another jury because of the lack of minorities -- and highlighted the argument before the Supreme Court, the judge posted several comments on Facebook criticizing Wine, saying he was "advocating" for all-white jury panels.

The comments constituted "misconduct" and violated several judicial canons requiring, among other things, that judges not be biased or show prejudice, the commission charged.

On Nov. 12, 2015, Stevens gave a presentation to the Louisville Bar Association in which the judge "continued (his) attacks" on Wine, the commission claimed.

"He will live in infamy and he will be the butt of every prosecutor's jokes," Stevens said of Wine during the speech.

Stevens also continued commenting about Wine in the following months and talked about the case pending before the Supreme Court, urging people not to "sit quietly while our community suffers this."

Speaking about a pending case is another violation of judicial canons, according to the commission.

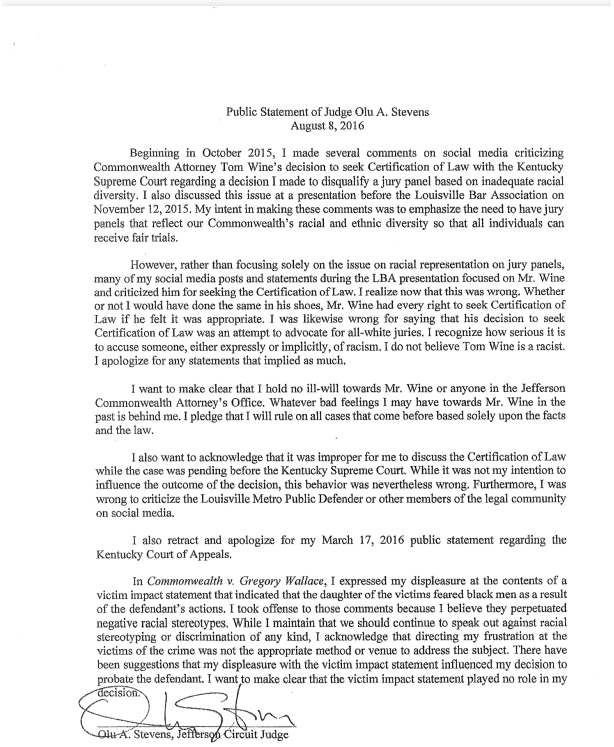
The judge also spoke out against Dan Goyette, head of the Louisville Public Defender's office, and criminal defense attorneys in general for not stepping up and supporting the judge.

"My intent in making these comments was to emphasize the need to have jury panels that reflect our Commonwealth's racial and ethnic diversity so that all individuals can receive fair trials," Stevens said in his statement Monday.

However, Stevens admitted that his criticism towards court officials was inappropriate.

"I was wrong to criticize the Louisville Metro Public Defender or other members of the legal community on social media," he said in his statement.

Here is a copy of the statement:



Public Statement of Judge Olu A. Stevens
August 8, 2016

Beginning in October 2015, I made several comments on social media criticizing Commonwealth Attorney Tom Wine's decision to seek Certification of Law with the Kentucky Supreme Court regarding a decision I made to disqualify a jury panel based on inadequate racial diversity. I also discussed this issue at a presentation before the Louisville Bar Association on November 12, 2015. My intent in making these comments was to emphasize the need to have jury panels that reflect our Commonwealth's racial and ethnic diversity so that all individuals can receive fair trials.

However, rather than focusing solely on the issue on racial representation on jury panels, many of my social media posts and statements during the LBA presentation focused on Mr. Wine and criticized him for seeking the Certification of Law. I realize now that this was wrong. Whether or not I would have done the same in his shoes, Mr. Wine had every right to seek Certification of Law if he felt it was appropriate. I was likewise wrong for saying that his decision to seek Certification of Law was an attempt to advocate for all-white juries. I recognize how serious it is to accuse someone, either expressly or implicitly, of racism. I do not believe Tom Wine is a racist. I apologize for any statements that implied as much.

I want to make clear that I hold no ill-will towards Mr. Wine or anyone in the Jefferson Commonwealth Attorney's Office. Whatever bad feelings I may have towards Mr. Wine in the past is behind me. I pledge that I will rule on all cases that come before based solely upon the facts and the law.

I also want to acknowledge that it was improper for me to discuss the Certification of Law while the case was pending before the Kentucky Supreme Court. While it was not my intention to influence the outcome of the decision, this behavior was nevertheless wrong. Furthermore, I was wrong to criticize the Louisville Metro Public Defender or other members of the legal community on social media.

I also retract and apologize for my March 17, 2016 public statement regarding the Kentucky Court of Appeals.

In *Commonwealth v. Gregory Wallace*, I expressed my displeasure at the contents of a victim impact statement that indicated that the daughter of the victims feared black men as a result of the defendant's actions. I took offense to those comments because I believe they perpetuated negative racial stereotypes. While I maintain that we should continue to speak out against racial stereotyping or discrimination of any kind, I acknowledge that directing my frustration at the victims of the crime was not the appropriate method or venue to address the subject. There have been suggestions that my displeasure with the victim impact statement influenced my decision to probate the defendant. I want to make clear that the victim impact statement played no role in my decision.

Olu A. Stevens, Jefferson Circuit Judge

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